

Introduction: Fiscal Year 1999 Enforcement Report

US EPA Region 5, Office of Regional Counsel

This brief introduction serves to highlight improvements to the Fiscal Year 1999 Enforcement Report. It also provides important notes about the reports as well as references for additional information.

The 1999 Report:

The format of these reports has generally not been changed from last year's report. We have, however, added a section on Cost Recovery and provided new cross-references among the four reports.

Obtaining more information

These reports make reference to information used in Region 5's Enforcement Program. While most of this information is either self-explanatory or is explained in the reports, additional resources may prove to be helpful.

To help you learn more about Region 5's **geographic initiatives**, we have prepared a Web site which provides a basic description and map of each initiative. It is available at:

www.epa.gov/region5/orc/gi.htm

For more information about **criminal cases with fines** (included in the Penalty Report summary), contact Mr. Martin Topper in U.S. EPA Headquarters (202-564-2564) or visit our Web site at:

www.epa.gov/region5/orc/enfactions99/law-criminal.htm

To learn more about a particular **Standard Industrial Classification (SIC) code**, or about SIC codes in general, visit one of the following Web sites:

www.osha.gov/oshstats/sicser.html

www.census.gov/pub/epcd/www/naics.html

Injunctive Relief

To present as complete a picture as possible, “injunctive relief” is defined broadly, beyond its strict legal definition, to include orders requiring pollution reduction, remediation, restoration, site access, reporting, and/or permit applications (to name a few).

This report does not identify whether or not Respondents and Defendants have complied with their respective orders. (The only exception involves Respondents who have indicated that they refuse to comply with an order.) The term “Respondent” refers to the party to whom an administrative order or complaint was issued. The term “Defendant” refers to the party in a civil judicial lawsuit against whom relief is sought.

These notes are discussed at greater length on **Page E1** of the Injunctive Relief report.

Supplemental Environmental Projects

In those cases which involve both a supplemental environmental project (SEP) and a monetary penalty, it is not uncommon to find that the penalty has been reduced upon the successful negotiation of the SEP. For this reason, both the original and the final penalties are provided for those cases which included a penalty.

Second, this report does not identify those Respondents and Defendants that have not yet completed their SEPs, nor does it identify those who have. This report simply describes the SEP which the Respondent or Defendant agreed to undertake. Again, the term “Respondent” refers to the party to whom an administrative order was issued or an administrative complaint was served. The term “Defendant” refers to the party in a civil judicial lawsuit against whom relief is sought.

Fiscal Year 1999 is the second year in which the number of cases with SEPs has been distinguished from the total number of SEPs (some cases involve more than one SEP). This fact is noted in the comparative trend reports.

These notes are discussed at greater length on **Page F1** of the SEP report.

Penalties

The Penalty Report is presented in three “sorts” to assist you in examining the information in the way you prefer. **Sort 1** organizes the penalty cases according to the dates on which they were concluded (the date the administrative order was filed with the Regional Hearing Clerk or the consent decree was entered into the Court Docket). **Sort 2** organizes the cases alphabetically by Respondent or Defendant name. **Sort 3** organizes the cases by statute and section.

Information about criminal cases with fines is included in the comparative report, but individual

cases are not listed in the full report. See above under “Obtaining more information” to find out how to obtain information about these cases.

Cost Recovery

The Cost Recovery Report is a new addition this year to the enforcement report. This report is sorted alphabetically by the name of the Respondent / Defendant. It states both the dollar value of the cost recovery awarded and the additional compliance cost beyond that which was recovered.